

REMARKS

Applicants' representative wishes to thank Examiner Pasterczyk for the brief phone interview on or about February 27, 2004 to clarify the office action. The remarks herein contain the substance of that interview.

Claims 1-13 and 15-17 are in the case and presented for reconsideration.

Claim 14 have been cancelled without prejudice.

Claims 1-13 and 15-17 have been amended. Claims 1, 15 and 17 have been amended to clarify the claimed invention by specifically stating that the carbonylation catalyst has a solid component and a vaporous component, and that the platinum and tin have a valency greater than zero. Support for this amendment is found on page 6, lines 25-31 and pages 12-15, respectively, of the specification.

Claims 2-5, 7-10 and 12 have been amended to clarify the claimed invention in accordance with the examiner's helpful suggestion.

Claims 4, 5, 11, 15 and 17 have been amended to clarify the claimed invention to specify that the amounts of platinum and tin associated with the solid support are determined as metals and that the weight % of each is based on the total weight of the solid component. Support for this amendment is found on page 9, lines 7-23 of the specification.

Rejections under 35 U.S.C. § 112

Claims 1-17 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to distinctly claim the subject matter the Applicants regard as the invention. Applicant submits that the amendment to claims 1-13 and 15-17 overcomes this rejection. More particularly, the claims have been amended to clarify the invention to specify: the carbonylation catalyst has a solid component and a vapor component; that the platinum and tin have a valency greater than zero; the weight % of platinum and tin associated with the support are measured as metals and are based on the total weight of the solid component; and Applicants have deleted from the claims the language that was directed toward the "intended use" of the catalyst, as the examiner helpfully suggested.

The examiner maintained that the term "associated with" was ambiguous as to if the solid supported the platinum and tin as well as the halogen promoter. Applicants submit that the amendment now clarifies this term. Moreover, Applicants direct the examiner's attention to page 6, lines 6-15 where the term "associated with" is clearly defined. Accordingly, it is clear to one skilled in the art that the platinum and tin are "associated with" the support material and what is meant by this term.

Accordingly, Applicants submit that the amendment to claims 1-13 and 15-17 overcomes the 35 U.S.C. § 112, second paragraph rejection and respectfully request that the rejection be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 1-17 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Pollitzer et al., (U.S. 4,085,067). Applicants submit that the amendment to claims 1-13 and 15-17 overcomes this rejection.

Pollitzer et al. disclose a catalyst for isomerizing hydrocarbons. The catalyst has from 0.01 to 2 weight % of a platinum group metal, 0.1 to 5 weight % cobalt, from 0.01 to 5 weight % tin, from 0.1 to 10 weight % of a halogen and from 1 to 100 weight % of a Friedel-Crafts metal halide. The platinum group metal, cobalt and tin are uniformly dispersed on a porous carrier. Pollitzer et al. state that it is critical to their invention that the platinum group metal and cobalt are present on the carrier in their elemental metallic state, i.e., have a valence of zero, and the tin is present in an oxidation state above that of the elemental metal. Pollitzer et al. further teach that it is essential to their invention that the halogen component be combined with the carrier material such as through impregnation of the carrier concurrently with the trimetallic components.

This is clearly different from the presently claimed invention where the platinum has a valency greater than zero, i.e., is not in the elemental state. Additionally, Pollitzer et al. do not teach or suggest that the halide component be a vapor, as does Applicants' presently claimed invention.

Accordingly, Applicants submit that claims 1-13 and 15-17 are not anticipated by Pollitzer et al. and respectfully request that the rejection be withdrawn.

Claims 1 and 4-10 were rejected under 35 U.S.C. § 102 (a) as being anticipated by Zoeller et al., (U.S. 6,235,673). Applicants submit that the rejection under 35 U.S.C. § 102 (a) is inappropriate since the inventors in the cited reference and the present application are the same and the '673 patent issued less than 1 year from the filing date of the present application. Accordingly, pursuant to the phone interview with Applicants' representative, a terminal disclaimer is being submitted with regard to U.S. 6,235,673 which Applicants submit overcomes an obvious-type double patenting rejection based on U.S. 6,235,673.

Accordingly, Applicants respectfully request that the 35 U.S.C. § 102 (a) rejection be withdrawn.

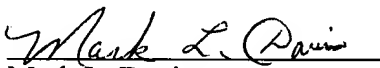
Rejections under 35 U.S.C. § 103

Claims 1-17 were rejected under 35 U.S.C. § 103 (a) as being obvious over Zoeller et al. (U.S. 6,235,673, hereinafter '673) in view of Zoeller et al. (U.S. 6,160,163, hereinafter '163). Both the '673 and '163 have the same inventors. Applicants submit that the terminal disclaimer overcomes an obvious-type double patenting rejection based on the '673 and '163 patents.

Pursuant to the phone interview with Applicants' representative, a terminal disclaimer is being submitted with regard to U.S. 6,235,673 which Applicants submit overcomes the rejection under 35 U.S.C. § 103 (a). Applicants respectfully request that the 35 U.S.C. § 103 (a) rejection over the '673 patent in view of the '163 patent be withdrawn.

In view of the above arguments, Applicants respectfully submit that claims 1-13 and 15-17 are in condition for allowance and respectfully request that the examiner withdraw the earlier rejections and pass the application to allowance at his earliest convenience.

Respectfully submitted,


Mark L. Davis
Attorney for Applicants
Reg. No. 34,574